

REMARKS

In the outstanding Office Action, the Examiner subjected the application to a restriction requirement and identified the following four inventions:

- I. Claim 1 which is directed to a method for warning the operator of a primary vehicle about the potential collision of a closing vehicle with the primary vehicle (Class 701, subclass 301);
- II. Claims 2-16 which are also directed to a method for warning the operator of a primary vehicle about the potential collision of a closing vehicle with the primary vehicle (Class 701, subclass 68 and 69);
- III. Claims 17-29 which are directed to a police traffic radar unit having a plurality of functions for measuring and determining conditions for a primary vehicle and for at least one closing vehicle (Class 340, subclass 901); and
- IV. Claims 30-36 which are directed to a traffic alert system associated with a primary vehicle (Class 701, subclass 96).

Claims 1-36, including independent claims 1, 2, 17, 24, and 30 were originally presented for examination. Claims 1 and 17-36 have been withdrawn from consideration. Favorable reconsideration of the present Response as currently constituted is respectfully requested.

BEST AVAILABLE COPY**ONE MONTH EXTENSION OF TIME**

This Response was due for reply by November 30, 2005 since the Office Action was mailed on October 31, 2005. A One Month Petition for Extension of Time Under 37 C.F.R. §1.136(a) is enclosed. Therefore, per MPEP §710.01(a), the One Month Extension of time extends the due date to December 31, 2005. Per MPEP §505, since December 31, 2005 was a Saturday, January 1, 2006 was a Sunday, and January 2, 2006 was a Federal holiday in the District of Columbia, this submission is considered timely if filed by the next succeeding business day, i.e., January 3, 2006.

RESTRICTION REQUIREMENT & ELECTION WITH TRAVERSE

Applicant elects with traverse the subject matter of Group II, claims 2-16, which are directed to a method for warning the operator of a primary vehicle about the potential collision of a closing vehicle with the primary vehicle. Accordingly, by way of the present Response, Applicant has withdrawn, without prejudice or disclaimer, claims 1 and 17-36. Applicant respectfully traverses the Examiner's restriction requirement and requests that the Examiner consider the claims of Groups I-II in a single application.

The claims of Group I and Group II define the same essential characteristics of a single disclosed embodiment of the invention and restriction should not be required. See MPEP §806.03. For the

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Examiner's convenience, claim 1 of Group I and claim 2 of Group II are juxtaposed to illustrate the claims of Group I and Group II are but different definitions of the same disclosed subject matter. Claim 1 of Group I and claim 2 of Group II read as follows (Please note that the differences between the claims are bolded.):

1. (Withdrawn) A method of warning the operator of a primary vehicle about the potential collision of a closing vehicle with the primary vehicle, the closing vehicle proceeding in the same direction as the primary vehicle, said method comprising:

(a) **determining one or more parameters about the state of movement of the primary vehicle;**

(b) determining one or more parameters about the state of movement of the closing vehicle; and

(c) generating an alert to the operator of the primary vehicle when the one or more parameters of the primary vehicle and the one or more parameters of the closing vehicle are at a predetermined status.

2. (Original) A method of warning the operator of a primary vehicle about the potential collision of a closing vehicle with the primary vehicle, the closing vehicle proceeding in the same direction as the primary vehicle, said method comprising:

(a) **determining the pattern of speed variations of the primary vehicle during a predetermined time interval;**

(b) **determining the state of the transmission of the primary vehicle during said predetermined time interval;**

(c) determining one or more parameters about the state of the movement of the closing vehicle; and

(d) generating an alert to the operator of the primary vehicle when **(1) the said pattern corresponds to a predetermined pattern indicative of a particular driving maneuver, (2) the said one or more parameters of the state of movement of the closing vehicle are at a predetermined status; and/or (3) another condition exists.**

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Claims 1 and 2 have identical preambles and transitions. With respect to the parameters of the primary vehicle limitation, claim 2, which indicates two particular parameters, has a narrower scope than claim 1 which indicates that any one or more parameters may be utilized. With respect to the closing vehicle limitation, the claims are identical. With respect to alert generation limitation, claim 2 is identical to claim 1 but for the two additional alert generating conditions enumerated.

Hence, claim 1 and claim 2 are different definitions of the same disclosed subject matter. Moreover, claim 2 and claim 1 vary in only breadth or scope of definition. Accordingly, Applicant respectfully submits that under MPEP §806.03 the restriction requirement is not proper.

Further, the Examiner relies on MPEP §806.05 as his reason for insisting that the restriction is necessary. More particularly, the Examiner states the claims of Group II have separate utility as the claims of Group II do not include the step of determining one or more parameters about the state of the movement of the closing vehicle.

Applicant respectfully disagrees with the Examiner's position and requests that the Examiner compare element (b) of claim 1 of Group I with element (c) of claim 2 of Group II. These elements are identical and read "determining one or more parameters about the state of the movement of the closing vehicle." Therefore,

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contrary to the Examiner's position, every claim of Group I and II relate to the determining one or more parameters about the state of the movement of the closing vehicle. Accordingly, Applicant respectfully submits that the Examiner has not satisfied his burden under MPEP §806.05(c) and the restriction requirement is not proper. For the foregoing reasons, Applicant respectfully requests that the claims of Group I and Group II be considered in the same application.

FEE STATEMENT

Applicant has enclosed form PTO-2038 authorizing payment of \$60.00 for the One Month Extension of Time. Applicant believes no additional fees are due for the filing of this Response. If any fees are due, however, please charge our deposit account (Account No. 50-3215).

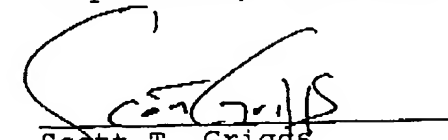
CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the outstanding restriction requirement and examine the claims of Groups I-II. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

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Dated this 3rd day of January, 2006.

Respectfully submitted:


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